

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724
HON. CYNTHIA M. RUFÉ**

THIS DOCUMENT RELATES TO:

<i>In re: Generic Pharmaceuticals Pricing Antitrust Litigation</i>	16-md-2724
<i>In Re: Econazole Nitrate Cases (Direct Purchaser)</i>	16-EC-27241
<i>In Re: Econazole Nitrate Cases (End-Payer)</i>	16-EC-27242
<i>In Re: Econazole Nitrate Cases (Indirect Resellers)</i>	16-EC-27243
<i>The Kroger Co. et al. v. Actavis Holdco U.S., Inc. et al.</i>	18-cv-00284
<i>Humana Inc. v. Actavis Elizabeth, LLC et al.</i>	18-cv-03299
<i>United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc. et al.</i>	19-cv-00629
<i>Humana Inc. v. Actavis Elizabeth, LLC et al.</i>	19-cv-04862
<i>Health Care Service Corp. v. Actavis Elizabeth, LLC et al.</i>	19-cv-05819
<i>119EIU National Benefit Fund et al. v. Actavis Holdco U.S. Inc., et al.</i>	19-cv-06011
<i>MSP Recovery Claims, Series LLC et al v. Actavis Elizabeth LLC et al.</i>	20-cv-00231
<i>Molina Healthcare, Inc. v. Actavis Elizabeth, LLC et al.</i>	20-cv-00695
<i>Cesar Castillo, Inc. et al. v. Actavis Holdco U.S., Inc. et al.</i>	20-cv-00721

<i>Harris County, Texas v. Teva Pharmaceuticals USA, Inc. et al.</i>	20-cv-02296
<i>Cigna Corp. v. Actavis Holdco US, Inc., et al.</i>	20-cv-02711
<i>Rite Aid Corporation et al. v. Actavis Holdco U.S., Inc. et al.</i>	20-cv-03367
<i>The State of Connecticut et al. v. Sandoz, Inc., et al.</i>	20-cv-03539
<i>J M Smith Corporation v. Actavis Holdco U.S., Inc. et al.</i>	20-cv-04370
<i>County of Suffolk v. Actavis Holdco US, Inc. et al.</i>	20-cv-04893
<i>Walgreen Company v. Actavis Holdco U.S., Inc. et al.</i>	20-cv-06258
<i>Winn-Dixie Stores, Inc. et al. v. Actavis Holdco U.S. Inc., et al.</i>	20-cv-06290
<i>CVS Pharmacy, Inc. v. Actavis Elizabeth, LLC, et al.</i>	20-cv-06310
<i>United HealthCare Services, Inc. v. Sandoz, Inc. et al.</i>	20-cv-06557
<i>County of Albany et al. v. Actavis Holdco US, Inc. et al.</i>	21-cv-01875

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT TELIGENT, INC.

PURSUANT TO RULE 5.1(c) of the Local Rules of the United States District Court for the Eastern District of Pennsylvania, Brian J. Smith, Michael E. Martinez, Victoria S. Pereira, and K&L Gates LLP (“K&L Gates”) hereby move the Court for an order in the form attached hereto, permitting withdrawal as counsel for Defendant Teligent, Inc. (“Teligent”) from all cases in the *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*.

1. Teligent, Inc. and certain of its affiliates (the “Debtors”¹) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), on October 14, 2021 (the “Petition Date”), in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). The Debtors’ chapter 11 case is pending before the Honorable Judge Brendan Linehan Shannon, United States Bankruptcy Judge, and are being jointly administered under Case No. 21-11332-BLS (the “Chapter 11 Case”).

2. On January 19, 2022, the Bankruptcy Court entered three orders (Bankruptcy ECF Nos. 393, 394, and 395) approving the sale of substantially all of the Debtors’ assets to Leiters, Inc., Hikma Canada Limited, and PAI Holdings, LLC (the “Purchasers”), respectively. Each of the sales closed on February 2, 2022. *See* Bankruptcy ECF Nos. 438, 439, and 440.

3. On July 15, 2022, the Bankruptcy Court entered an order (Bankruptcy ECF No. 827) (the “Confirmation Order”) confirming *the Second Amended Joint Chapter 11 Plan of Teligent, Inc. and Its Debtor Affiliates* (the “Plan”). The Plan became effective on July 26, 2022, and pursuant to its terms Alfred Giuliano (the “Plan Administrator”) was appointed as Plan Administrator. *See* Bankruptcy ECF Nos. 840, 827 ¶ 18.

4. The Plan Administrator is currently working to resolve any claims filed in the chapter 11 cases and distributing any remaining assets in accordance with the terms of the Plan.

5. Prior to filing their Chapter 11 bankruptcy cases, Teligent provided discovery, including the production of documents and responses and objections to Plaintiffs’ First and Second Sets of Interrogatories, under the Case Management Order that established a schedule for the

¹ The Debtors, along with the last four digits of each Debtor’s federal tax identification number, if any, are: Teligent, Inc. (5758); Igen, Inc. (7443); Teligent Pharma, Inc. (1639); and TELIP LLC (8395).

completion of discovery in this MDL. *See* ECF No. 1135, as amended, ECF No. 1179, ECF No. 1363.

6. Upon the filing of their Chapter 11 bankruptcy petitions, an automatic bankruptcy stay under Bankruptcy Code Section 362 was put in place, which stayed Teligent's involvement in the MDL. Teligent complied with the automatic stay by, among other things, suspending their document, data, and written discovery productions in the MDL.

7. On November 10, 2021, certain Plaintiffs in this MDL filed a Motion for Relief from the Automatic Stay under Section 362(d)(1). *See* Bankruptcy ECF No. 164.

8. In July 2022, Teligent entered into a Stipulation with the Proposed Class of End-Payer Plaintiffs (the "Stipulating Plaintiffs") Providing Limited Relief from the Automatic Stay Modifying Automatic Stay for the Sole and Limited Purpose of Allowing Limited Discovery (the "Lift Stay Agreement").

9. The undersigned counsel of record for Teligent no longer represent Teligent and, therefore, seek to withdrawal as counsel for Teligent in this MDL.

10. The undersigned consulted with bankruptcy counsel for the Plan Administrator for the Teligent regarding this request to withdraw and, as a result of the limited assets available for distribution to creditors pursuant to the Plan, the Plan Administrator consents to the withdrawal, supports this Motion, and does not wish to have substitute counsel enter an appearance on behalf of Teligent at this time.

11. Pursuant to Local Rule 7.1(a), a form order granting the relief sought in this Motion will be filed contemporaneously with this Motion.

WHEREFORE, pursuant to Local Rule 5.1(c), Brian J. Smith, Michael E. Martinez, Victoria S. Pereira, and K&L Gates LLP respectfully request that this Court grant this Motion and

enter an order permitting the undersigned counsel to be withdrawn as counsel for Teligent in this case.

Dated: January 31, 2023

Respectfully submitted,

K&L Gates LLP

/s/ Brian J. Smith

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CERTIFICATE OF SERVICE

I, Brian J. Smith, hereby certify that the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT TELIGENT, INC.** was served on all counsel of record via ECF on January 31, 2023. Pursuant to Local Rule 5.1.2(8)(b), I further certify that the foregoing document is available for viewing and downloading on ECF.

Dated: January 31, 2023

/s/ Brian J. Smith
Brian J. Smith